

395
BILL NO. Z-89-06-20

ZONING MAP ORDINANCE NO. Z- 07-89

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. O-11.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-1-B (Limited Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Lot 133 except the East 25 feet thereof in Elmwood
Addition to the City of Fort Wayne, Allen County,
Indiana. According to the recorded plat thereof P.B. 8
p 20 (1917)

and the symbols of the City of Fort Wayne Zoning Map No. O-
11, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Long, seconded by Henry, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on 6-13-89, the 13 day of June, 1989, at 2:30 o'clock P.M., E.S.T.

DATE: 6-13-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT</u> |
|--------------------|---------------|---------------|------------------|---------------|---------------|
| <u>TOTAL VOTES</u> | <u>9</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>BRADBURY</u> | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>BURNS</u> | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>EDMONDS</u> | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>GIAQUINTA</u> | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>HENRY</u> | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>LONG</u> | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>REDD</u> | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>SCHMIDT</u> | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>SPER</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u>TALARICO</u> | <u>✓</u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |

DATE: 8-1-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~) (~~SPECIAL~~) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-0789 on the 1st day of August, 1989,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 2nd day of August, 1989, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of August, 1989, at the hour of 2:30 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 7222

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 5/17 1987

RECEIVED FROM WKH Assoc. \$ 100.00

THE SUM OF One Hundred & 00/100 DOLLARS

ON ACCOUNT OF _____

Rezone R-3 to B1B

#1138

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

[Signature]
AUTHORIZED SIGNATURE

map 0-11

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Franklin A. Trick and Madeleine E. Trick
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-3 District to a/an B-1-B District the property described as follows:

Lot 133 except the East 25 Ft. thereof in Elmwood Addition to the City of
Fort Wayne, Allen County, Indiana. According to the recorded plat thereof
P.B. 8 p 20 (1917)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

4220 So. Anthony

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

| | | |
|---------------------------|--------------------------|---------------------------|
| <u>Franklin A. Trick</u> | <u>R#3 172 Lake Dr.</u> | <u>Franklin A. Trick</u> |
| | <u>Fremont, IN 46737</u> | |
| <u>Madeleine E. Trick</u> | <u>R#3 172 Lake Dr.</u> | <u>Madeleine E. Trick</u> |
| (Name) | (Address) | (Signature) |

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

| | | |
|-----------------------------------|--|----------------------|
| <u>WKM & Associates, Inc.</u> | <u>405 S. Main St., Auburn, IN 46706</u> | <u>(219)925-3333</u> |
| (Name) | (Address & Zip Code) | (Telephone Number) |

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lot 133 Except the East 25 Ft. thereof in Elmwood Addition to the
City of Fort Wayne, Allen County, IN. According to the recorded plat thereof
P.B. 8 p20 (1917)

Owners of Property

| | | |
|--------------------------|---|--------------------------|
| <u>Franklin A. Trick</u> | <u>R#3, 172 Lake Dr.</u> <u>Fremont, Ia. 46737</u> | <u>Franklin A. Trick</u> |
| <u>Madeline E. Trick</u> | <u>172 Lake Dr.</u> <u>Fremont, Ia. 46737</u> | <u>Madeline E. Trick</u> |
| <u>(Name)</u> | <u>(Address)</u> | <u>(Signature)</u> |

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 13, 1989 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-89-06-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 19, 1989.


NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 26, 1989.

Certified and signed this
29th day of June 1989.



Robert Huthner
Secretary

FACT SHEET

Z-89-06-20

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE**APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment

From R-3 to B-1-B

DETAILS**Specific Location and/or Address**

4220 So Anthony Bl

Reason for Project

Convenience Store with gas pumps.

Discussion (Including relationship to other Council actions)19 June 1989 - Public Hearing

Bill McCallister, architect, with WKM Associates in Auburn, Indiana, appeared before the Commission for the petitioners. He stated that he had met with the Pettit-Rudisill Association and the president read the notice of the hearing and informed the group of the proposed plans by Amoco Oil Company to remove the old existing structure and canopy and build a new convenience store. He stated that he asked for questions and comments after the presentation and there were no negative comments from the association.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

26 June 1989 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the five (5) members present all voted for the motion. Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Franklin & Madeline Trick
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 17 May 1989

Projected Completion or Occupancy

Date 29 June 1989

Fact Sheet Prepared by

Patricia Biancaniello

Date 29 June 1989

Reviewed by

Kerry Mayhew

Date 6-29-89

Reference or Case Number

#395
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 4220 So Anthony Bl

2-89-06-20

EFFECT OF PASSAGE Property is presently zoned R-3 - Multi-Family Residential.

Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. Z-89-06-20

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. 0-11

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Janet G. Bradbury
David C. Long

Clitus R. Edmonds

Samuel J. Talarico

DATED:

8-1-89

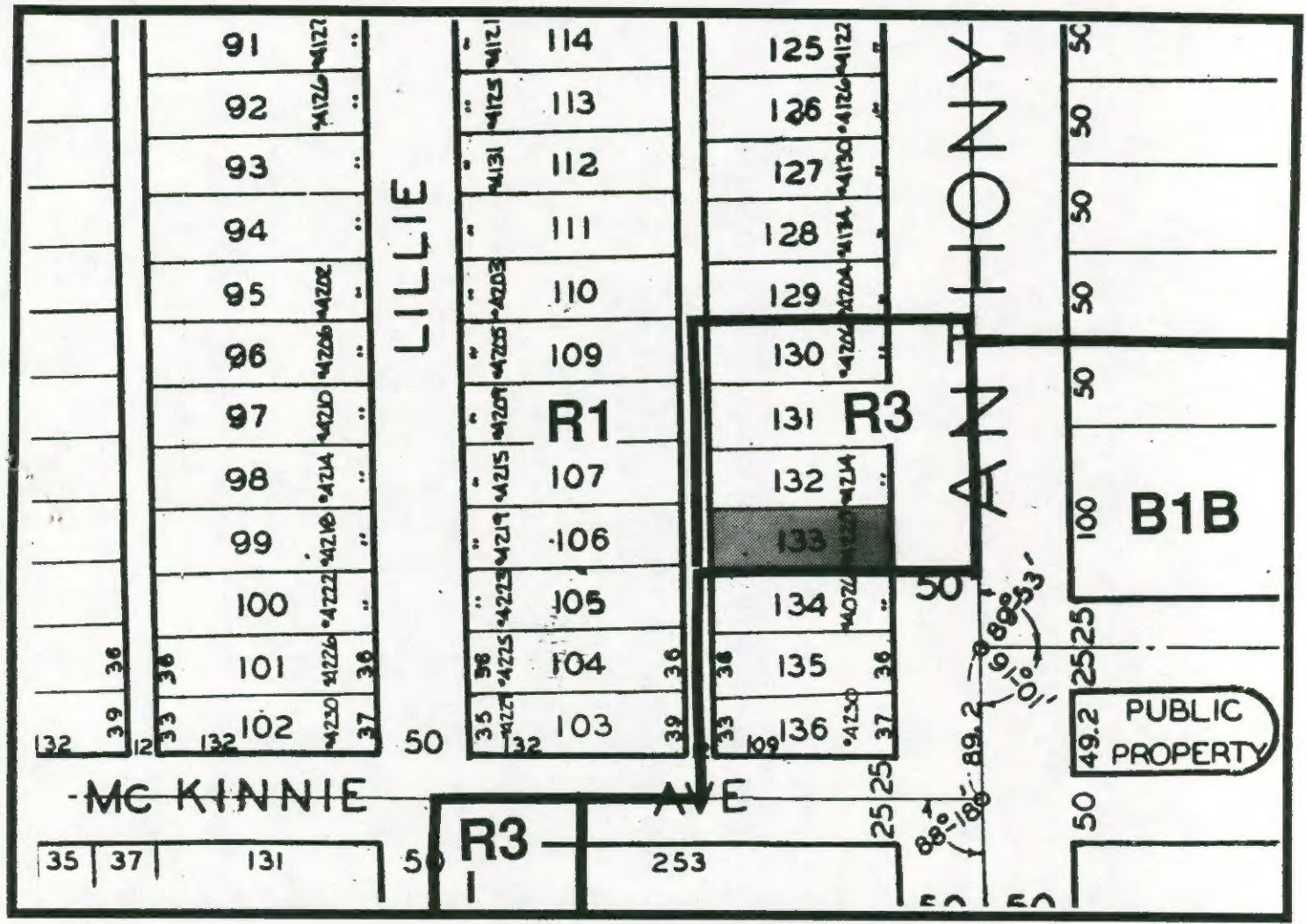
Sandra E. Kennedy
City Clerk

REZONING PETITION #395

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R3 DISTRICT TO A B1B DISTRICT.

MAP NO. O-11

COUNCILMANIC DISTRICT NO. 6



ZONING:

- R1 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT
- B1B LIMITED BUSINESS "B"

LAND USE:

- ☐ SINGLE FAMILY
- ☐ COMMERCIAL

SCALE: 1"=100'

DATE: 5-31-89